

availed themselves of the conservation practices afforded by this law; and

Whereas, The Board of Water Engineers now requires that a permit be obtained before this water can be used for any purposes other than domestic and stock use; and

Whereas, Other farmers would avail themselves of conservation of water and prevention of floods if they were allowed to use this water for all agricultural purposes; now, therefore, be it

Resolved, That the Senate of Texas do respectfully request that the Governor submit to the Second Called Session of this 55th Legislature legislation that will enable the farmers and other landowners of this State to use a reasonable amount up to 200 acre-feet of water for all beneficial purposes; and, be it further

Resolved, That a copy of this resolution be forwarded to the Governor of the State of Texas.

BRADSHAW
MOORE
WOOD
ROBERTS

The resolution was read and was adopted.

Record of Votes

Senators Phillips, Fuller, Reagan and Parkhouse asked to be recorded as voting "Nay" on the adoption of the above resolution.

Senate Resolution 3

Senator Krueger offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Walter Malec of Hallettsville, Lavaca County; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and that he be extended the privileges of the floor for the day.

The resolution was read and was adopted.

Senator Krueger by unanimous consent presented Mr. Malec to the Members of the Senate.

At Ease

On motion of Senator Lane and by unanimous consent the Senate at 11:20 o'clock a.m. agreed to stand At Ease for ten minutes.

In Legislative Session

The President called the Senate to order as in Legislative Session at 11:24 o'clock a.m. today.

Recess

On motion of Senator Hardeman the Senate at 11:25 o'clock a.m. took recess until 10:30 o'clock a.m. tomorrow.

After Recess

FIRST DAY

(Continued)

(Thursday, November 14, 1957)

The Senate met at 10:30 o'clock a.m., and was called to order by the President Pro Tempore.

Senate Bill on First Reading

Pursuant to provisions of the Proclamation of the Governor for the Second Called Session of the Fifty-fifth Legislature, the following bill was introduced by unanimous consent, read first time, and referred to the committee indicated:

By Senator Lane:

S. B. No. 2, A bill to be entitled "An Act authorizing the Attorney General to assist any School Board in defense of any lawsuit in a Federal Court challenging constitutionality of a State statute and transferring funds for such purpose; and declaring an emergency."

To the Committee on State Affairs.

Senate Concurrent Resolution 1

Senator Herring by unanimous consent offered the following resolution:

S. C. R. No. 1, Granting O. E. Loessin, Jr., and wife permission to sue the State of Texas.

Whereas, O. E. Loessin, Jr., and wife Elizabeth Loessin, are residents of Williamson County, Texas, and are the owners of approximately three acres of real property, and certain

residential and commercial improvements thereon, situated in said county and generally located therein as follows, to-wit:

Being Southwest of and adjacent to the intersection of Texas Highway No. 29 and Texas Highway 95, said land lying South of said Highway 29, West of Highway No. 95 and immediately North of the San Gabriel River; and

Whereas, The State of Texas, acting by and through the Texas Highway Department, has, over a period of years, constructed and maintained certain highway embankments and a bridge across the San Gabriel River in the immediate proximity of said property; and

Whereas, The said O. E. Loessin, Jr., and wife, Elizabeth Loessin, allege that the manner of construction and maintaining of such bridge and embankments has restricted, and does restrict, the flow of waters of the said San Gabriel River; and that same caused an overflow of such waters on to their property in the year 1957, resulting in substantial damages, costs and expenses to the said O. E. Loessin, Jr., and wife, Elizabeth Loessin, for which said damages, costs and expenses they have not been compensated by the State of Texas; and

Whereas, Further, the said O. E. Loessin, Jr., and wife, Elizabeth Loessin, allege that since the incurrence of such damages, costs and expenses above described, the State of Texas, acting by and through the Texas Highway Department, has constructed an additional highway embankment in the immediate proximity of their said property, the construction and maintaining of which constitutes a taking of said land and property without compensation being paid therefor, and that they have not been compensated by the State of Texas for such taking; and

Whereas, O. E. Loessin, Jr., and wife, Elizabeth Loessin, desire to institute suit against the State of Texas and the Texas Highway Department for all damages caused by the overflow of waters on their land as hereinabove described and, further, for the damaging and taking of said lands and property without just compensation being paid therefor; and

Whereas, In order to definitely and accurately determine the extent of damages, if any, and the extent of taking, if any, it is the policy of this

Legislature to let a court of competent jurisdiction pass upon the same; and

Whereas, It is the policy of the State of Texas to give and grant to persons and groups the right to litigate any valid claims against the State of Texas in a court of competent jurisdiction; now, therefore, be it

Resolved, by the Senate of the State of Texas, the House of Representatives concurring, that O. E. Loessin, Jr., and wife, Elizabeth Loessin, be, and they are hereby, granted permission to bring suit against the State of Texas in any Court of competent jurisdiction of the State of Texas within two years from the effective date of this resolution to recover judgment against the State of Texas for all amounts of money to which they may be entitled as a result of the alleged damages and the alleged taking of land as hereinabove described and for such other and further relief as the court may determine is warranted. Nothing herein contained shall be construed as an admission of liability against the State of Texas, and the facts upon which the plaintiff may seek to recover must be proved as in any other case.

Service of citation for the purposes herein granted may be served upon the State of Texas by serving the Attorney General and the Chairman of the Texas State Highway Commission.

The resolution was read and was referred to the Committee on Jurisprudence.

Senate Resolution 7

Senator Willis by unanimous consent offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Mr. E. O. Gillam of Fort Worth; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate and extended the privilege of the floor for today.

The resolution was read and was adopted.

Senator Willis by unanimous consent presented Mr. Gillam to the Members of the Senate.

Senate Resolution 8

Senator Wood by unanimous consent offered the following resolution:

Whereas, Extraordinary consideration has just been granted emergency problems bearing on planning for permanent state office quarters; and

Whereas, This was necessary because of the pending time limit on expansions and corrections in the construction format under the all-inclusive pattern; and

Whereas, Sportsmen's Clubs of Texas, a privately sponsored agency dedicated to wise use of our natural resources, has brought to public attention that comparatively obscure quarters have been assigned to its public counterpart—the Texas Game and Fish Commission; and

Whereas, The contemplated facilities reportedly are practically the same as the present cramped headquarters occupied by the Game and Fish Commission; and

Whereas, That Game and Fish Commission operates on its own budget without recourse to the general revenue fund and any expanded building plans could be financed independently; and

Whereas, SCOT points out that during the trend toward generous recognition for assorted state agencies, with some services being allocated separate buildings, the specific department bearing on the very heart of Texas' glorious heritage should not be belittled; and

Whereas, SCOT recommends that any permanent planning should provide for separate natural resources quarters, with emphasis on a Museum of Natural History, where the routine business of our wildlife affairs could be constantly stimulated by an environment reflecting the precious native possessions of the past and the species being protected and propagated for the future; and

Whereas, SCOT points out that it is a standard measure for the birds and the wild animals, the soil, the trees, minerals, waters and kindred resources to symbolically comprise a State's public viewing place, and that Texas is rich both in the treasured animals of the past and in the beloved species and habitat facilities of the future; and

Whereas, SCOT stresses that unless a stronger public understanding is created to help relieve the constantly increasing pressure on wildlife, Museum space will be needed to house more wildlife relics of better days; now, therefore, be it

Resolved, That the Senate with the

House concurring formally correct this seeming oversight while there still is time to adjust permanent planning, since Texas may prosper in the future as it has in the past only because natural resources are properly utilized; and, be it further

Resolved, That the acknowledged authorities be advised to amend any existing state building plans, or to suspend such planning until necessary legislative action may be taken at a future date, to house the Game and Fish Commission commensurate with Texas tradition as a means of recognizing our basic natural industries and to stimulate conservation for the future good.

WOOD
MOORE

The resolution was read.

Senator Wood asked unanimous consent to consider the resolution immediately.

There was objection.

The resolution was then referred to the Committee on Game and Fish.

Senate Resolution 9

Senator Lane by unanimous consent offered the following resolution for Senator Fly:

Whereas, We are honored today to have in the gallery of the Senate 27 Pupils of Civics Class of Ganado High School, Jackson County, accompanied by their teacher, Mr. L. H. Tyler; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Lane by unanimous consent presented the students and Mr. Tyler to the Members of the Senate.

Adjournment

On motion of Senator Hardeman the Senate at 10:50 o'clock a.m. adjourned until 2:30 o'clock p.m. on Monday, November 18, 1957.

In Memory of
Judge Walter Nelson

Senator Moffett by unanimous consent offered the following resolution:

(Senate Resolution 4)

Whereas, On the 20th day of October, 1957, Judge Walter Nelson of Wichita Falls, Texas, answered that final call of our Heavenly Father, who in His infinite wisdom beckoned unto Judge Nelson that he might have his eternal reward; and

Whereas, Judge Nelson was born in Scottsboro, Alabama, in 1872, and came to Texas with his parents at the age of 10. He later attended Southwestern University at Georgetown, Texas, from 1892 to 1896, where he received his law degree. He was admitted to the Bar in 1899; and

Whereas, The young attorney then moved to Cameron, Texas, where he married Miss Penelope Robinson in 1900. She preceded him in death on November 9, 1952; and

Whereas, In 1905, Judge and Mrs. Nelson moved to Stamford, Texas, and next to Wichita Falls, Texas, in 1918; and

Whereas, Judge Nelson united with the Methodist Church in early manhood, taught a Sunday School class for many years, and later became a Sunday School Superintendent, and throughout his mature life was an active worker in the Methodist Church; and

Whereas, The veteran teacher and jurist was honored by the Floral Heights Methodist Church in 1949 for thirty years of service as a Sunday School teacher; and

Whereas, While engaged in the private practice of law in Wichita Falls, Texas, Judge Nelson served for 16 years as Referee in Bankruptcy for the U. S. Federal District Court; and

Whereas, Judge Nelson was elected as Judge of the 89th District Court of Wichita County in 1944 and served two terms in that office, plus four months of an unexpired term of his predecessor. In 1952 he declined to stand for re-election for a third full term; and

Whereas, Judge Nelson is survived by a son, Walter Nelson, Jr., of Wichita Falls, Texas; a daughter, Mrs. W. B. Head of Houston, Texas; a nephew, Dr. Gordon Ferguson of Oklahoma City, Oklahoma, whom the Nelsons raised from the age of three weeks; and a brother, George Nelson of Weinert, Texas; now, therefore, be it

Resolved, That it is the desire of the Senate of the 55th Legislature of Texas to acknowledge the achievements and benefactions of this outstanding Texan; and be it further

Resolved, That when the Senate adjourns today it do so in his honor and that a page in the Permanent Journal in the Senate be devoted to the recording of this resolution; and be it further

Resolved, That the sympathy of the members of the Senate be extended to his family and that copies of this resolution shall be sent to those members of his family heretofore mentioned in this resolution.

MOFFETT

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Ashley, Bracewell, Bradshaw, Colson, Fly, Fuller, Gonzalez, Hardeman, Hazlewood, Herring, Hudson, Kasen, Krueger, Lane, Lock, Martin, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Roberts, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted by a rising vote of the Senate.

In Memory of
Julian C. Clopton

Senator Herring by unanimous consent offered the following resolution:

(Senate Resolution 5)

Whereas, In the untimely passing of Julian C. Clopton, on the eleventh day of November, 1957, the people of Travis County lost one of their most able attorneys and worthy citizens; and

Whereas, Julian C. Clopton, born in Fort Worth, Texas, on January 31, 1913, had made Austin, Texas, his home since he was a young child, with the exception of the years he spent in the service of his country during World War II; and

Whereas, He was widely recognized in his profession for his fair and judicious application of the law and was an active member of the Travis County Bar Association, having held many offices in that organization; and

Whereas, Julian C. Clopton was a devout Christian gentleman, serving as senior warden of St. David's Episcopal Church, the highest office for a layman, and was a lay reader in the church; and

Whereas, He gave unstintingly of his time in service to his community and contributed greatly to its civic and religious well-being; and

Whereas, He is survived by his wife, the former Carter Belle Munt of Petersburg, Virginia; his nine-year-old daughter, Elizabeth Randolph Clopton; his mother, Mrs. J. C. Clopton, Sr.; and one sister, Mrs. Marion Palmer, both of Okemah, Oklahoma; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature, in Second Called Session, to pay tribute to this distinguished citizen; and be it further

Resolved, That when the Senate adjourns today, it do so in his memory and that a page in the permanent Journal of the Senate be devoted to the recording of this resolution; and, be it further

Resolved, That an enrolled copy of this resolution be sent to all surviving members of his family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Grover C. Pope

Senator Herring by unanimous consent offered the following resolution:

(Senate Resolution 6)

Whereas, In the passing of Grover C. Pope, on the ninth of November, 1957, the State of Texas, and in particular the people of Williamson County, have suffered an irreparable loss, and the host of friends, associates and all who were privileged to know Grover C. Pope, mourn his passing; and

Whereas, Mr. Pope was born January 11, 1886, at Granger, Texas, and was a member of the Granger First Methodist Church and a member of the Masonic Lodge of Granger, in which he had held membership for more than fifty years; and

Whereas, He is survived by his widow, Hattie T. Pope; three sons, Grover C. (Buck) Pope, Jr., Jim C. Pope, and John R. Pope, all of Granger; one daughter, Mrs. E. D. Clement, of Granger; one brother, Huff Pope, of Levelland; two sisters, Mrs. Ira N. Hardin, of Granger, and Mrs. Willard McLaughlin, of Waco; nine grandchildren; and

Whereas, His life was exemplary of the courage, wisdom and faith that shows itself in a creative service to others; now, therefore, be it

Resolved, That it is the desire of the Senate of the Fifty-fifth Legislature, in Second Called Session, to pay tribute to this worthy citizen; and be it further

Resolved, That when the Senate adjourns today it do so in his memory and that a page in the permanent Senate Journal be devoted to the recording of this resolution; and be it further

Resolved, That an enrolled copy of this resolution be sent to all the surviving members of the family as a token of respect and sympathy.

The resolution was read and was adopted by a rising vote of the Senate.